

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JASON BEARD,

Plaintiff,

vs.

CAESARS ENTERTAINMENT CORP., et al.,

Defendants.

Case No. 2:16-cv-00833-JAD-NJK

ORDER

(Docket No. 16)

Pending before the Court is the parties' joint motion to stay discovery pending resolution of a dispositive motion that Defendants intend to file. Docket No. 16. The Court finds the matter properly resolved without oral argument. *See* Local Rule 78-2.

"The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending." *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). The case law in this District makes clear that requests to stay all discovery may be granted when: (1) the pending motion is potentially dispositive; (2) the potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken a "preliminary peek" at the merits of the potentially dispositive motion and is convinced that the plaintiff will be unable to state a claim for relief. *See Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013).<sup>1</sup>

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<sup>1</sup>Conducting this preliminary peek puts the undersigned in an awkward position because the assigned district judge who will decide the motion to dismiss may have a different view of its merits. *See Tradebay*, 278 F.R.D. at 603. The undersigned's "preliminary peek" at the merits of that motion is not intended to prejudice its outcome. *See id.*

1 In the instant case, Defendants have not yet filed the dispositive motion at issue, and submit that  
2 they intend to file it no later than August 4, 2016. Docket No. 16 at 2. As the motion has not yet been  
3 filed, the Court cannot engage in the appropriate analysis to determine if discovery should be stayed  
4 pending the resolution of that dispositive motion. The parties' deadline to file their proposed joint  
5 discovery plan, however, is July 21, 2016. *See* Docket No. 9.

6 Accordingly, the parties' motion, Docket No. 16, is **DENIED** without prejudice. Nonetheless,  
7 the Court **CONTINUES** the deadline to file the parties' proposed joint discovery plan until September  
8 8, 2016. No later than September 8, 2016, the parties must file either a proposed joint discovery plan  
9 or a renewed motion to stay.

10 IT IS SO ORDERED.

11 DATED: July 22, 2016.

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14 NANCY J. KOPPE  
15 United States Magistrate Judge  
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